

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**M.U., a minor, by her parents, THERESA  
AND THOMAS URBAN, and THERESA  
AND THOMAS URBAN, individually**

**Plaintiffs**

**v.**

**DOWNINGTOWN HIGH SCHOOL EAST,  
DOWNINGTOWN AREA SCHOOL  
DISTRICT, LAWRENCE MUSSOLINE,  
Ph.D., CRAIG REED, and TOTAL  
SOCCER, LLC**

**Defendants**

**CIVIL ACTION  
NO. 14-04877**

**ORDER**

**AND NOW**, this 27th day of April, 2015, upon consideration of the Motion to Dismiss filed by Defendants Downingtown High School East, Downingtown Area School District, Lawrence Mussoline, and Craig Reed in his capacity as an employee of Downingtown Area School District (Doc. No. 19); the Motion to Dismiss filed by Total Soccer, LLC and Craig Reed in his capacity as an agent of Total Soccer, LLC (Doc. No. 18); all briefing in support of or opposition to those Motions (Doc. Nos. 20-22, 25); the parties' briefing on whether the Amended Complaint states a claim upon which relief can be granted under the state-created danger theory of § 1983 liability (Doc. Nos. 28, 29); and the parties' positions at oral argument, it is

**ORDERED** that:

1. Count One of the Amended Complaint is **DISMISSED WITHOUT PREJUDICE**;
2. The School District Defendants' Motion (Doc. No. 19) is **GRANTED**; Count One of the Amended Complaint is **DISMISSED WITH PREJUDICE** with respect to Lawrence Mussoline; Count Two of the Amended Complaint is **DISMISSED WITH**

- PREJUDICE** with respect to Downingtown High School East, Downingtown Area School District, Craig Reed in his capacity as an employee of Downingtown Area School District, and Craig Reed in his individual capacity; Count Three of the Amended Complaint is **DISMISSED WITH PREJUDICE** with respect to Craig Reed in his capacity as an employee of Downingtown Area School District and in his individual capacity;
3. Total Soccer, LLC's Motion (Doc. No. 18) is **GRANTED**; Counts Two and Three of the Amended Complaint are **DISMISSED WITHOUT PREJUDICE** with respect to Total Soccer, LLC and Craig Reed in his capacity as an agent of Total Soccer, LLC;
  4. Count Four of the Amended Complaint is **DISMISSED WITHOUT PREJUDICE**;
  5. Plaintiffs are granted leave to file a Second Amended Complaint, consistent with this Order, on or before **May 18, 2015**.

BY THE COURT:

/s/ Gerald J. Pappert  
GERALD J. PAPPERT, J.